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6 Attorneys for Defendant  
7 SHAWN HOGAN

**FILED**

MAR 14 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 SHAWN HOGAN

15 Defendant.  
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Case No. CR 10-0495 JF (PSG)

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING HEARING ON EBAY'S  
MOTION TO QUASH**

Court: The Honorable Jeremy Fogel  
Trial Date: None Set

1 Pursuant to Civil Local Rules 6-2 and 7-12 and Criminal Local Rule 47-4, Defendant  
2 Shawn Hogan ("Hogan") and Third Party Movant eBay Inc. ("eBay"), by and through their  
3 respective counsel, hereby stipulate as follows:

4 1. On January 25, 2011, Hogan served eBay with a Subpoena *duces tecum* authorized  
5 by this Court under Fed. R. Crim. P. 17(c).

6 2. On February 8, 2011, eBay filed a Motion to Quash Hogan's Subpoena *duces*  
7 *tecum*, setting a hearing date of March 17, 2011.

8 3. eBay and Hogan have met and conferred in an attempt to resolve their issues  
9 without Court intervention, but have not yet been able to reach agreement or to finalize a list of  
10 issues to bring before the Court.

11 4. eBay and Hogan believe that further negotiation would be productive, and  
12 therefore request the following modifications to the schedule in this matter:

13 a. The hearing on eBay's Motion to Quash Hogan's Subpoena *duces tecum*,  
14 currently scheduled for March 17, 2011 at 1:30 p.m., shall be moved to April 21, 2011 at 1:30  
15 p.m.

16 b. Hogan's response brief shall be due on April 11, 2011.

17 c. eBay's reply brief, if any, shall be due on April 18, 2011.

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1 IT IS SO STIPULATED.

2 I, Paul A. Alsdorf, attest that concurrence in the filing of the above stipulation and  
3 [proposed] order has been obtained from counsel for plaintiffs.

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5 DATED: March 9, 2011.

FARELLA BRAUN & MARTEL LLP

6  
7 By: /s/ Paul A. Alsdorf  
8 Paul A. Alsdorf, Esq.

9 Attorneys for Defendant  
SHAWN HOGAN

10 DATED: March 9, 2011

O'MELVENY & MYERS LLP

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12  
13 By: /s/ Sharon M. Bunzel  
Sharon M. Bunzel, Esq.

14 Attorneys for Third Party Movant  
15 EBAY INC.

16 **ORDER**

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18  
19 Dated: March 14, 2011.

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21 pre S. Grewal  
22 The Honorable Paul Singh Grewal  
23 United States Magistrate Judge  
24 Northern District of California